


FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 TH FLOOR		
	SUBJECT	BMZA / 241 South Broadway		

TO Mr. David Tanner, Executive Director
Board of Municipal and Zoning Appeals
417 East Fayette Street, 14th Floor

DATE: October 21, 2011

REQUEST

The Department of Planning has received Pedro Candelorio's Board of Municipal and Zoning Appeals (BMZA) application to use a portion of the first floor and the second and third floors of the premises for 15 rooming units. We understand that this appeal is scheduled for hearing on November 22, 2011.

SITE

241 South Broadway is located on the east side of the street, approximately 111'6" north of the intersection with Gough Street. This property measures approximately 20'3" by 129' and is currently improved with a three-story attached building measuring approximately 20'3" by 113'. This site is zoned B-2-2 and is located within the Fells Point Historic District.

ANALYSIS

Use: In this zoning district, rooming houses are a permitted use, and so are allowed (§6-306). In this case, the property was last authorized for use as a beauty shop, which is also a permitted use in this B-2 Community Business District. The applicant is proposing to retain the beauty shop use of the first floor front portion of the premises, while using the remainder of the building as 15 rooming units.

Insufficient Lot Area: In this zoning district, rooming units require 550 square feet of lot area per unit (§6-311.c.1.). In this case, for 15 rooming units, 7,975 square feet of lot area is required. The lot only encloses approximately 2,612 square feet, and so does not meet this requirement.

Lot Area Variance: The Board may grant a variance to reduce the applicable minimum lot area requirements by no more than: (1) 25% of the applicable regulation (§15-202). In this case, the proposed amount of variance would be approximately 67%. The variance requested exceeds the discretionary range of the Board and so should not be allowed.

Off-Street Parking: ... if the intensity in use of a structure or premises is increased through the addition of dwelling, efficiency, or rooming units, floor area, seating capacity, or other units of measurement, off-street parking facilities must be provided for that increased intensity, as required by this title (§10-202.a). If the structure was lawfully erected before April 20, 1971, additional off-street parking facilities are mandatory only in the amount by which the requirements for the new use exceed those for the existing use (§10-203.b). In this zoning district, rooming units require one off-street parking space per 6 rooming units (§10-405.1.iv). For 15 rooming units, 2 parking spaces are required; none are or can be provided.

Off-Street Parking Variance: ... the Board may grant a variance to reduce by no more than 75% the number of off-street parking spaces otherwise required by the applicable regulation (§15-208.b). In this case the reduction proposed is 100%, which is greater than the variable amount the Board may authorize. However, the landlocked nature of the rear yard, its small size, and its inaccessibility due to this and other buildings' locations, creates a practical difficulty in meeting this requirement.

Historic District: The subject property is located within the Fells Point District, a locally designated Baltimore City historic district. All exterior changes, including additions, demolitions, and alterations are subject to review and approval by the Commission for Historical and Architectural Preservation (CHAP). It is recommended that the applicant contact CHAP to determine the review process applicable to their project.

RECOMMENDATION

The Department of Planning recommends disapproval of this appeal, as the lot area variance that would be required for approval far exceeds the discretionary authority provided to the Board in the Zoning Code.

TJS/wya/mf

cc: Pedro Candelorio, Appellant